

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JUVENTINO AYALA and TAMY CHAPA

PLAINTIFFS

vs.

No. 2:21-cv-253

4600 OCEAN DRIVE CONDOMINIUM ASSOCIATION

DEFENDANT

**MOTION TO ALLOW COUNSEL FOR PLAINTIFF TAMY CHAPA
TO APPEAR BY TELEPHONE AT SHOW CAUSE HEARING**

Plaintiff Tamy Chapa, recently retained new counsel, John W. Tinder, who filed a Notice of Appearance of Counsel on October 15th, 2023. Plaintiff Tamy Chapa, by and through counsel, file this Motion to Allow Counsel for Plaintiff Tamy Chapa to Appear by Telephone at the Show Cause Hearing, state as follows:

1. On September 21st, this Court entered a Show Cause Order scheduling a hearing for October 31st, 2023, at 9:00 am. Doc. 56.
2. While Plaintiff's counsel understands the importance of a personal appearance before the Court, Plaintiff's counsel goes back and forth between South Texas (care for elderly mother) and the east coast and is not scheduled to return to South Texas until Nov. 16th, 2023.
3. Plaintiff's counsel respectfully requests that the Court allow him to appear at the Show Cause Hearing by telephone rather than personal appearance.
4. The Plaintiff, Tamy Chapa, will still appear in person.
5. The granting of this request would help keep down the costs of litigation.
6. Plaintiff's do not anticipate an adversarial hearing, and no Party would be

prejudiced by Plaintiffs' counsel appearing by telephone as all other Counsel are also appearing via telephone.

7. Plaintiff's Counsel should be extended the same convenience.

8. In compliance with Local Rule 7.1, Plaintiff has spoken to other counsel before this Court and neither party is opposed to the requested relief-

9. Alternatively, Plaintiff's counsel would ask that the matter be reset to Nov. 16th, 2023 when Counsel is in South Texas.

WHEREFORE, premises considered, counsel for and Plaintiff Tamy Chapa ask for the right for Counsel to appear at the October 31st, 2023, Show Cause Hearing by telephone, or for any other relief that the Court deems just and proper.

Respectfully submitted,

TAMY CHAPA, PLAINTIFF

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/s/ John W. Tinder /s/
John W. Tinder
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CERTIFICATE OF SERVICE

I, John W. Tinder, do hereby certify that on October 23rd, 2023, a true and correct copy of the foregoing MOTION TO APPEAR BY TELEPHONE was served via CM / ECF on the following:

/s/John W. Tinder
John W. Tinder